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Attorneys for Defendant, EVOQUA WATER TECHNOLOGIES LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BENNY GARCIA, an individual,
Plaintiff,

v.

EVOQUA WATER TECHNOLOGIES
LLC, a Delaware Limited Liability
Corporation; SIEMENS WATER
TECHNOLOGIES CORP. a Delaware
Corporation, and DOES 1 through 20,
inclusive,

Defendants.

Case No. 5:15-CV-00146-PSG

**JOINT STIPULATION TAKING CASE
MANAGEMENT CONFERENCE OFF
CALENDAR**

1 PLAINTIFF BENNY GARCIA AND DEFENDANT EVOQUA WATER
2 TECHNOLOGIES LLC HEREBY STIPULATE AS FOLLOWS:

3 WHEREAS, on May 12, 2015, the parties appeared before the Court for a case management
4 conference and the Court set case management dates;

5 WHEREAS, at the case management conference counsel for Plaintiff stated that he would
6 be serving Defendant Siemens Water Technologies Corp. and the Court therefore set a case
7 management conference for June 23, 2015 in order to allow Siemens to appear;

8 WHEREAS, Plaintiff attempted to serve Siemens but the service was unsuccessful;

9 WHEREAS, counsel for Plaintiff and counsel for Evoqua immediately thereafter scheduled
10 a mediation to take place on October 12, 2015 with Jeffrey Ross in San Francisco, Ca. and counsel
11 for Evoqua represented to counsel for Plaintiff that Evoqua is able to settle the claims alleged in
12 full;

13 WHEREAS, counsel for Evoqua has been in touch with Siemens and has agreed to enter
14 into a tolling agreement whereby Plaintiff will dismiss Siemens without prejudice but the statute of
15 limitations pertaining to Plaintiff's claims against Siemens will be tolled as of the date of Plaintiff's
16 filing of the complaint in this action, should the mediation prove unsuccessful and should Plaintiff
17 discover other information suggesting that Siemens is a proper Defendant;

18 WHEREAS, given the above events, Plaintiff has decided not to serve Siemens at this time,
19 and therefore the parties request that the June 23, 2015 case management conference be taken off
20 calendar.

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22 Dated: June 22, 2015

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25 By: /s/ March H. Phelps

26 Marc H. Phelps
27 Counsel for Plaintiff
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Dated: June 22, 2015

LITTLER MENDELSON, P.C.

By: /s/ Alexa L. Woerner

Alexa L. Woerner
Counsel for Defendant